

**OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
QUARTERLY MEETING MINUTES**

March 20, 2014

DATE OF MEETING March 20, 2014

PLACE OF MEETING Oklahoma Board of Osteopathic Examiners
4848 N. Lincoln
Oklahoma City, OK

MEMBERS PRESENT Dennis J. Carter, D.O.
Jay D. Cunningham, D.O.
Gordon P. Laird, D.O.
Carl B. Pettigrew, D.O.
LeRoy E. Young, D.O.

MEMBERS ABSENT C. Michael Ogle, D.O.
Catherine C. Taylor, J.D.
Cheryl A. Vaught, J.D.

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Nick Carroll, D.O.
Paul Cheng, *OHPP*
Megan Crank, *UCO Graduate Student*
Don Danz, J.D.
Mary DeGuisti
Zane DeLaughter, D.O.
Susan Fennimore, *DNR Reporting*
Nancy Galloway, *OHPP*
Brandon Gambill, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
David Good, D.O.
Melissa Hooper
Bobby Kang, D.O.
Corinne Kilbury
Madison Kilbury
Merlin Kilbury, M.D., *OHPP*
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
Jenna Mooneyham, OBN
Christy Steams, *UCO Graduate Student*
Tiffany Sturgeon
Jerry Valentine, *Board of Osteopathic Examiners*
Robert Westcott, M.D., *OHPP*
E. Robin Western, D.O.
Brett Whetcott, D.O.
Stephanie Whetcott
Michael Whinery, D.O.
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

PRESIDING: C.B. Pettigrew, D.O. *President*

1. CALL TO ORDER & ESTABLISH QUORUM

C.B. Pettigrew, D.O., *President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established.

2. APPROVAL OF MINUTES

Dr. Pettigrew asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of December 12, 2013 and asked for any additions, corrections or deletions to the minutes.

Dr. Young moved to approve the minutes of the December 12, 2013 Quarterly Board Meeting as submitted.
Dr. Cunningham seconded the motion.

Dr. Pettigrew called for the votes on the motion to approve the minutes and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Dr. Pettigrew asked the members of the Board if they had reviewed the minutes from the Special Board Meeting of January 16, 2014 and asked for any additions, corrections or deletions to the minutes.

Dr. Young moved to approve the minutes of the January 16, 2014 Special Board Meeting as submitted.
Dr. Cunningham seconded the motion.

Dr. Pettigrew called for the votes on the motion to approve the minutes and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

3. REPORTS

A. EXECUTIVE DIRECTOR REPORT

On behalf of the Board, Deborah Bruce thanked Dr. Young for again providing donuts for the meeting. Ms. Bruce also made housekeeping announcements and introduced graduate students from UCO.

B. BUDGET

Ms. Bruce submitted the monthly Summary of Income and Expenses to the Board. Dr. Pettigrew asked if there was further discussion.

Dr. Young moved to accept the budget report.
Dr. Laird seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

4. HEARING DOCKET

Dr. Pettigrew recognized Richard Mildren, prosecuting Attorney for the Board, of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Mr. Mildren announced that all cases scheduled for Hearing had been continued. Notices for June 19, 2014 will be sent to:

Eric Hogan, D.O.

Dustin O'Leath Hayes, D.O.

David Moon, D.O.

Mr. Mildren also announced that the Hearing for **Michael Tollett, D.O.** would be continued until resolution of the appeal to District Court by Dr. Tollett.

5. PROBATION APPEARANCES

(Daniel Gamino, J.D. swore in all respondents and witnesses.)

Bobby Chu Kang, D.O.

Dr. Cunningham called the matter of Bobby Chu Kang, D.O. to order. Dr. Kang appeared in person accompanied by his counsel, Don Danz. Chief Investigator, Richard Zimmer, reported on Dr. Kang's compliance with his Board Orders.

Dr. Laird moved for good cause shown to terminate the probation of Bobby Chu Kang.
Dr. Carter seconded the motion.

Dr. Cunningham called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, abs; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes (p).

The motion passed.

Nick Carroll, D.O.

Dr. Cunningham called the matter of Nick Carroll, D.O. to order. Dr. Carroll appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared on behalf of Dr. Carroll. Richard Zimmer, Chief Investigator, reported on Dr. Carroll's compliance with his order. No motion was made.

Michael Whinery, D.O.

Dr. Pettigrew called the matter of Michael Whinery, D.O. to order. Dr. Whinery appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Whinery's progress while on probation. Chief Investigator, Richard Zimmer, also reported on Dr. Whinery's compliance.

Dr. Young moved to require Dr. Whinery to participate in a 30 day in-patient treatment. The facility is to be approved by OHPP working in conjunction with Board Staff. Dr. Whinery shall cause a discharge summary to be sent to the Board following his release. The Board will review the report at its next meeting.
Dr. Carter seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Christopher Scott Blaisdell, D.O.

Mitsi Faubion, D.O.

Dr. Pettigrew called the matter of Christopher S. Blaisdell, D.O. and Mitsi Faubion, D.O. to order. Neither physician appeared in person. The staff advised the Board that Dr. Blaisdell and Dr. Faubion requested the Board consider modification of their Board Orders to include some type of formulary that would permit them to keep their contracts with the OHCA.

Dr. Pettigrew appointed a committee to work on this project and report back at the next meeting. Dr. Young is to Chair the Formulary Committee. Members include Dr. Ogle, Dr. Carter and Ms. Bruce.

Dr. Young moved to research a formulary for all classes of CDS to be used in future Board orders.
Dr. Carter seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

6. PRECEPTOR APPEARANCES

(Daniel Gamino, J.D. swore in all respondents and witnesses.)

David Good, D.O.

Dr. Pettigrew called the matter of David Good D.O. to order. Dr. Good appears in person accompanied by Dr. Zane DeLaughter, his Preceptor. Also appearing was Richard Zimmer, Chief Investigator for the Board. The Board considered the recommendations made by Dr. DeLaughter, and the compliance report from Mr. Zimmer.

Dr. Young moved to terminate the Preceptorship of Dr. David Good, D.O. Dr. Good is to continue to report his employment locations to staff and staff is to continue to review the PMP system relevant to Dr. Good for the next twelve (12) months.
Dr. Cunningham seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

7. APPLICANTS FOR LICENSURE – APPEARANCES
(Daniel Gamino, J.D. swore in all respondents and witnesses.)

E. Robin Western, D.O. (requesting reinstatement of license #3245)

Dr. Pettigrew called the matter of E. Robin Western, D.O. to order. Dr. Western appeared in person without counsel requesting reinstatement of his license No. 3245. Richard Zimmer, Chief Investigator for the Board also appeared and reviewed the history of Dr. Western's discipline by the Board.

Dr. Young moved to table the application until either initiation or completion of Dr. Western being re-certified in Internal Medicine. Dr. Western is to re-establish a contractual relationship with OHPP and when re-appearing before the Board is to have completed thirty hours of 1-A CME. Dr. Western is to work with Board Staff to become eligible for reinstatement and must again appear based upon a written recommendation of OHPP not earlier than six months from the date of this interim order.
Dr. Carter seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

Brett Whatcott, D.O.

Dr. Cunningham called the matter of Brett Whatcott, D.O. to order. Dr. Whatcott appeared in person without counsel requesting licensure.

Dr. Carter moved to grant the license of Brett Whatcott. If he changes locations from his practice in Arkansas, he is to appear before the Board prior to accepting an employment position. He is to work with Board Staff and sign the appropriate releases so Board Staff can make a recommendation to the Board on contracting with our processes.
Dr. Laird seconded the motion.

Dr. Cunningham called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, abs; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes(p).

The motion passed.

8. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed seventeen (17) licensure files.

Dr. Carter moved to grant the request of the seventeen (17) applicants to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files satisfactory to Board Staff.
Dr. Laird seconded the motion.

Dr. Cunningham called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, abs; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes (p).

The motion passed.

9. LICENSURE MATTERS

Request for name change

Dr. Pettigrew asked the Board to consider the request for a name change of the following:

Leslie A. Spears, D.O. to **Leslie A. Eddleman, D.O.**
DiAnne Elizabeth Watson, D.O. to **DiAnne Elizabeth Adams, D.O.**

Dr. Carter moved to grant the request for name change of Leslie A. Spears, D.O. to Leslie A. Eddleman, D.O. and DiAnne Elizabeth Watson, D.O. to DiAnne Elizabeth Adams, D.O.
Dr. Cunningham seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

10. OLD BUSINESS

1. Board consideration of CME requirement on proper prescribing prior to licensure is tabled.
2. Board consideration of Opioid Prescribing regulation is tabled.
3. Dr. Young reported on the status of the current legislative session.
4. The Board considered the requirement by OMES to pay for Shared Services.

Dr. Laird moved to approve the letter drafted by the Executive Director to the Director of OMES Shared Services.
Dr. Carter seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

11. NEW BUSINESS

1. The Board reviewed the Board & Staff Activities & Honors information.
2. The Board reviewed a letter from Lyle Kelsey of the Medical Board suggesting sharing a Physician Data Base.

Dr. Cunningham moved to table consideration of the matter pending presentation to the OOA on its April Agenda. A report is to be made at the June Board Meeting.
Dr. Young seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

3. Ms. Bruce announced there would be a Staff Appreciation Dinner on June 18, 2014 at the Skirvin Hilton.
4. The Board considered the OHPP Quarterly Report
5. Ms. Bruce recommended sending Brandon Gambill to CLEAR for training.

Dr. Cunningham moved to reimburse all allowable expenses for Brandon Gamble to attend training with CLEAR in Austin in April.
Dr. Laird seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

6. Ms. Bruce and Dr. Young reported on a meeting with OBNDD discussing a PMP Focus Group that had been held without osteopathic participation.

7. Consideration of establishing Medical Records Guidelines was tabled pending appointment of a committee to meet and make recommendations to the Board.

8. Dr. Pettigrew appointed Dr. Laird to represent the Board at the FSMB Annual Meeting in Denver on April 24, 2014.

Dr. Young moved to reimburse all allowable expenses for Richard Zimmer to attend the FSMB Annual Meeting.
Dr. Carter seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

9. Ms. Bruce announced that the State Auditor's Office had notified the agency than a financial audit of the years 2011-2013 was to be conducted beginning in May, 2014.

10. The Board considered the 2013-14 Annual Agency Report.

11. Ms. Bruce announced that the FSMB Foundation Grant had been awarded to the Board and plans for implementation of the REMS programs would be forthcoming.

12. In response to a query from a Board Member, the issue of technology for video conferencing was discussed and it was determined to place the item for discussion on the June Agenda

12. EXECUTIVE SESSION

The Board went into the announced Executive Session. When the Board emerged, a motion was made.

Dr. Young moved to approve the hiring of a new Investigator. Qualifications should include CLEET Certification and significant investigation experience. Board Staff will advertise the position and conduct the process. Richard Zimmer is to recruit potential candidates.
Dr. Laird seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes.

The motion passed.

13. ADJOURNMENT

Dr. Laird moved to adjourn the March 30, 2014 Regularly Scheduled Board Meeting.
Dr. Carter seconded the motion.

Dr. Cunningham called for the votes to approve the motion.

The votes were: Dr. Carter, yes; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, abs; Ms. Taylor, abs; Ms. Vaught, abs; Dr. Young, yes(p).

The motion passed and the meeting was adjourned at 3:10 p.m.